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8  
9 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
**DEPARTMENT OF CONSUMER AFFAIRS**  
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

12 **KAREN REBECCA SOUTHORN AKA**  
13 **KAREN REBECCA BLOMILEY or**  
14 **KAREN R. WOLL**  
15 **569 Trenton Street**  
**El Cajon, CA 92019**

16 **Registered Nurse License No. 502042**

17 Respondent.

Case No. **2012-124**

**A C C U S A T I O N**

18  
19 Complainant alleges:

20 **PARTIES**

21 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her  
22 official capacity as the Executive Officer of the Board of Registered Nursing, Department of  
23 Consumer Affairs.

24 2. On or about July 29, 1994, the Board of Registered Nursing issued Registered Nurse  
25 License Number 502042 to Karen Rebecca Southorn aka Karen Rebecca Blomiley (Respondent).  
26 The Registered Nurse License was in full force and effect at all times relevant to the charges  
27 brought herein and will expire on April 30, 2012, unless renewed.

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## JURISDICTION

3. This Accusation is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code (Code) unless otherwise indicated.

4. Section 2750 of the Code provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under section 2811, subdivision (b) of the Code, the Board may renew an expired license at any time within eight years after the expiration.

## STATUTORY AUTHORITIES

6. Code section 2761 states, in pertinent part:

"The board may take disciplinary action against a certified or licensed nurse . . . for any of the following:

"(a) Unprofessional conduct . . .

". . . ."

7. Code section 2762 states in pertinent part:

"In addition to other acts constituting unprofessional conduct within the meaning of this chapter it is unprofessional conduct for a person licensed under this chapter to do any of the following:

"(a) Obtain or possess in violation of law, or prescribe, or except as directed by a licensed physician and surgeon, dentist, or podiatrist administer to himself or herself, or furnish or administer to another, any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code or any dangerous drug or dangerous device as defined in Section 4022.

". . . ."

1       “(e) Falsify, or make grossly incorrect, grossly inconsistent, or unintelligible entries in any  
2 hospital, patient, or other record pertaining to the substances described in subdivision (a) of this  
3 section.”

4       8.     Code section 4060 states in relevant part:

5       “No person shall possess any controlled substance, except that furnished to a person upon  
6 the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor  
7 pursuant to Section 3640.7, or furnished pursuant to a drug order issued by a certified nurse-  
8 midwife pursuant to Section 2746.51, a nurse practitioner pursuant to Section 2836.1, a physician  
9 assistant pursuant to Section 3502.1, a naturopathic doctor pursuant to Section 3640.5, or a  
10 pharmacist pursuant to either subparagraph (D) of paragraph (4) of, or clause (iv) of subparagraph  
11 (A) of paragraph (5) of, subdivision (a) of Section 4052. This section shall not apply to the  
12 possession of any controlled substance by a manufacturer, wholesaler, pharmacy, pharmacist,  
13 physician, podiatrist, dentist, optometrist, veterinarian, naturopathic doctor, certified nurse-  
14 midwife, nurse practitioner, or physician assistant, when in stock in containers correctly labeled  
15 with the name and address of the supplier or producer.

16       “Nothing in this section authorizes a certified nurse-midwife, a nurse practitioner, a  
17 physician assistant, or a naturopathic doctor, to order his or her own stock of dangerous drugs and  
18 devices.

19       9.     Health and Safety Code section 11173 states in pertinent part:

20       “(a) No person shall obtain or attempt to obtain controlled substances, or procure or  
21 attempt to procure the administration of or prescription for controlled substances, (1) by fraud,  
22 deceit, misrepresentation, or subterfuge; or (2) by the concealment of a material fact.

23       “...”

#### 24                                   **COST RECOVERY**

25       16.    Code section 125.3 provides, in pertinent part, that the Board may request the  
26 administrative law judge to direct a licentiate found to have committed a violation or violations of  
27 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
28 enforcement of the case.

1 **DRUGS**

2 10. Dilaudid is a Schedule II controlled substance pursuant to Health and Safety Code  
3 Section 11055 (b) (1) (k) and a dangerous drug per Business and Professions Code Section 4022.  
4 Dilaudid is a brand name for the generic drug Hydromorphone and is used to treat pain.

5 11. Percocet is a Schedule II controlled substance pursuant to Health and Safety Code  
6 Section 11055 (b) (1) (n) and a dangerous drug per Business and Professions Code Section 4022.  
7 Percocet is a brand name for the generic drug Oxycodone with acetaminophen and is used to treat  
8 pain.

9 12. Vicodin is a Schedule III controlled substance pursuant to Health and Safety Code  
10 Section 11056 (e) (4) and a dangerous drug per Business and Professions Code Section 4022.  
11 Vicodin is a brand name for the generic drug Hydrocodone. It is also known as dihydrocodeinone  
12 with the non-narcotic substance acetaminophen and is used to treat pain.

13 **FACTS**

14 13. Between March 20, 2010, and May 10, 2010, while employed as a Registered Nurse  
15 at Alvarado Hospital in San Diego, California, Respondent removed varied amounts of  
16 medications from the Pyxis<sup>1</sup> Medstation and failed to account for these medications. Although all  
17 of the medication was prescribed, Respondent was also pulling the doses earlier than the doctors  
18 had ordered, pain assessments were missing, and pulled medications were not documented in the  
19 patient's records. In all, Respondent failed to account for thirty-eight tablets of Vicodin, ten  
20 tablets of Percocet, and one tablet of Dilaudid.

21 14. On May 12, 2010, Respondent admitted to the hospital personnel that she diverted  
22 medications for self-use and resigned from the hospital. Respondent admitted that she removed  
23 Vicodin from the Pyxis Medstation on her patients between the doses she administered to her

24 <sup>1</sup> Pyxis" is a trade name for the automatic single-unit dose medication dispensing system  
25 that records information such as patient name, physician orders, date and time medication was  
26 withdrawn, and the name of the licensed individual who withdrew and administered the  
27 medication. Each user/operator is given a user identification code to operate the control panel.  
28 Sometimes only portions of the withdrawn narcotics are given to the patient. The portions not  
given to the patient are referred to as "wastage." This waste must be witnessed by another  
authorized user and is also recorded by the Pyxis machine.

1 patients and she did not chart the Vicodin she removed for herself. She stated that her patients  
2 always received the medications that she charted.

3 15. Medical records reflect that Respondent diverted controlled substances from the  
4 hospital inventory as follows:

5 a. **Patient No. 1:** Between April 25, 2010, and May 10, 2010, Respondent  
6 removed 38 5/325 mg tablets of Vicodin from the Pyxis for Patient No. 1, two at a time, and  
7 failed to chart the administration, wastage, or otherwise account for the disposition of the tablets.  
8 These incidents occurred on the following dates and times: April 25, 2010 at 1013, 1342, 1614,  
9 and 753; May 1, 2010 at 926, 1214, and 1456; May 2 at 1738, 1455, and 931; May 3, 2010 at  
10 1006, 1256, and 1511; May 8, 2010, at 1024, 1245, and 1504; and May 9 at 717 and 1637.  
11 Therefore, in sum, Respondent failed to account for 36 tablets of 5/325 mg Vicodin that she  
12 withdrew for this patient.

13 b. **Patient No. 2:** On May 1, 2010, at 1457 Respondent removed a 2 mg tablet of  
14 Dilaudid from the Pyxis for Patient No. 2, and failed to chart the administration, wastage, or  
15 otherwise account for the disposition of the tablet. Therefore, Respondent failed to account for 1  
16 tablet of 2 mg Dilaudid that she withdrew for this patient.

17 c. **Patient No. 3:** Between March 20, 2010, and March 21, 2010, Respondent  
18 removed 10 5/325 mg tablets of Percocet from the Pyxis for Patient No. 3, two at a time, and  
19 failed to chart the administration, wastage, or otherwise account for the disposition of the tablets.  
20 These incidents occurred on the following dates and times: March 20, 2010 at 704, 925, and  
21 1448, and March 21, 2010 at 715 and 951. Therefore, in sum, Respondent failed to account for 10  
22 tablets of 5/325 mg Percocet that she withdrew for this patient.

23 d. **Patient No. 5:** On March 25, 2010, at 717, Respondent removed 2 5/325 mg  
24 tablets of Vicodin from the Pyxis for Patient No. 5, and failed to chart the administration,  
25 wastage, or otherwise account for the disposition of the tablets. Therefore, Respondent failed to  
26 account for 2 tablets of 5/325 mg Vicodin that she withdrew for this patient.

27 **FIRST CAUSE FOR DISCIPLINE**

28 **(Unprofessional Conduct – Diversion of Controlled Substances)**

1           16.     Respondent is subject to disciplinary action pursuant to Code section 2761,  
2 subdivision (a), on the grounds of unprofessional conduct, as defined by 2762, subdivision (a),  
3 and in violation of Code section 4060 and Health and Safety Code section 11173, subdivision (a),  
4 in that Respondent diverted controlled substances from the hospital inventory as set forth in  
5 paragraphs 13 through 15, which are incorporated here by this reference.

6                               **SECOND CAUSE FOR DISCIPLINE**

7                               **(Unprofessional Conduct – Grossly Inconsistent Charting)**

8           17.     Respondent is subject to disciplinary action pursuant to Code section 2761,  
9 subdivision (a), on the grounds of unprofessional conduct, as defined by 2762, subdivision (e), in  
10 that Respondent made grossly incorrect, grossly inconsistent, or unintelligible entries in hospital  
11 records pertaining to controlled substances as set forth in paragraphs 13 to 15, which are  
12 incorporated here by this reference.

13                               **DISCIPLINE CONSIDERATIONS**

14           18.     To determine the degree of discipline, if any, to be imposed on Respondent,  
15 Complainant alleges that on or about May 13, 2004, in a prior disciplinary action entitled In the  
16 Matter of the Accusation Against Karen Rebecca Blomiley aka Karen R. Woll before the Board  
17 of Registered Nursing, in Case Number 2003-284, Respondent's license was placed on probation  
18 for illegally obtaining, possessing, and self-administering a controlled substance. Respondent  
19 successfully completed her probation on May 12, 2007. That decision is now final and is  
20 incorporated by reference as if fully set forth.

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3 PRAYER

4 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
5 and that following the hearing, the Board of Registered Nursing issue a decision:

- 6 1. Revoking or suspending Registered Nurse License Number 502042, issued to Karen  
7 Rebecca Southorn aka Karen Rebecca Blomiley  
8 2. Ordering Karen Rebecca Southorn aka Karen Rebecca Blomiley to pay the Board of  
9 Registered Nursing the reasonable costs of the investigation and enforcement of this case,  
10 pursuant to Business and Professions Code section 125.3;  
11 3. Taking such other and further action as deemed necessary and proper.

12 DATED: August 18, 2011

13 *Louise R. Bailey*  
14 LOUISE R. BAILEY, M.E.D., RN  
15 Executive Officer  
16 Board of Registered Nursing  
17 Department of Consumer Affairs  
18 State of California  
19 Complainant

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21 accusation.rtf  
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BEFORE THE  
BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Accusation against:

KAREN REBECCA BLOMILEY aka  
KAREN R. WOLL,  
569 Trenton Street  
El Cajon, California 92079

Registered Nurse License No. 502042

Respondent.

Case No. 2003-284

OAH No. L2003070046

DECISION

The attached Proposed Decision of the Administrative Law Judge is hereby adopted by  
the Board of Registered Nursing as its Decision in the above-entitled matter.

This Decision shall become effective May 13, 2004.

IT IS SO ORDERED.

Date: April 14, 2004

Board of Registered Nursing

*Sandra L. Erickson*

President



BEFORE THE  
BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Accusation against:

KAREN REBECCA BLOMILEY aka  
KAREN R. WOLL,  
569 Trenton Street  
El Cajon, California 92079

Registered Nurse License No. 502042

Respondent.

Case No. 2003-284

OAH No. L2003070046

**PROPOSED DECISION**

Administrative Law Judge Greer D. Knopf, State of California, Office of Administrative Hearings, heard this matter in San Diego, California on January 26, 2004.

Susan Fitzgerald, Deputy Attorney General, California Department of Justice, appeared on behalf of complainant Ruth Ann Terry, M.P.H., R.N., Executive Officer, Board of Registered Nursing, Department of Consumer Affairs, State of California.

Karen Rebecca Blomiley, respondent, appeared on her own behalf.

The matter was submitted on January 26, 2004.

**FACTUAL FINDINGS**

1. Accusation number 2003-284, dated June 5, 2003, was filed by complainant Ruth Ann Terry, M.P.H., R.N. (hereinafter referred to "complainant"), in her official capacity as Executive Officer, Board of Registered Nursing, Department of Consumer Affairs, State of California against respondent Karen Rebecca Blomiley aka Karen R. Woll (hereinafter referred to as "respondent"). Respondent filed a notice of defense dated June 19, 2003 requesting a hearing in this matter. The proceeding herein followed.

2. Respondent holds registered nurse's license number 502042 issued by the Board of Registered Nursing (hereinafter referred to as "the Board") on July 29, 1994. Respondent's nursing license will expire on April 30, 2004, unless renewed.

3. In January 2002, respondent was employed as a registered nurse at Victoria Special Care Center in El Cajon, California (hereinafter referred to as "Victoria"). Respondent's duties at Victoria included the responsibility of disposing of old medications. On January 22, 2002, while on duty at Victoria, respondent was performing an audit on medication to be destroyed. While respondent was conducting the audit, she took approximately 100 tablets of the drug Vicodin from the medication room. Respondent took the Vicodin for her personal use. Vicodin is a brand name for 5 mg. hydrocodone bitartrate and 500 mg. acetaminophen, and is a Schedule III controlled substance as designated pursuant to Health and Safety Code section 11056(e)(4). Respondent did not have a valid prescription for the Vicodin she took from the Victoria medication room.

4. Respondent's supervisor at Victoria discovered the missing Vicodin. Upon further investigation, respondent admitted she took the Vicodin. Respondent's employer offered to continue respondent's employment at Victoria if she submit to periodic drug testing and attend counseling. Respondent submitted to drug testing, but did not initially go to counseling. Respondent tested positive for controlled substances five times. On February 6, 2002, respondent tested positive for propoxyphene hydrochloride, which is Darvon, a schedule IV controlled substance. On March 26, 29, April 5, and May 3, 2002, respondent tested positive for cocaine.

5. Respondent readily admits to her wrongdoing and is sincerely remorseful for her actions. She further acknowledges her problem with illicit drug use and offered persuasive evidence of her work towards rehabilitation from drug addiction. Respondent entered recovery in June 2002. She now attends weekly meetings of a 12-step substance abuse recovery program called Celebrate Recovery. Respondent has a sponsor at that program that is committed to helping respondent work her program.

Since January 2003, respondent has worked at Alvarado Hospital as a staff nurse in the acute rehabilitation unit. Her supervisor at Alvarado describes her as a highly respected, exceptional nurse. Respondent is dedicated to maintaining her sobriety and has a good understanding of the destructive influence drugs had on her life. She should be commended for admitting her mistakes and turning her life around. It would not be against the public interest to allow respondent to continue to work as a nurse subject to strict terms and conditions of probation.

6. Complainant incurred \$5,251.50 in costs for the investigation and prosecution of this case. \$2,880.00 of that total amount was incurred for the performance of investigative tasks in this case. The investigator spent 24 hours performing investigative tasks in this matter. \$2,371.50 of the total amount of costs was incurred for the performance of tasks by the Attorney General's Office. The Attorney General's Office spent 32.5 hours performing the necessary tasks preparing this case for prosecution. The total amount of \$5,251.50 in costs incurred herein is reasonable in light of the nature and complexity of this matter.

## LEGAL CONCLUSIONS

1. Cause exists to discipline respondent's license as a registered nurse pursuant to Business and Professions Code sections 2761(a) and 2762(a) in that respondent engaged in unprofessional conduct by illegally obtaining and possessing a controlled substance, as set forth in Findings 2, 3, 4, and 5.

2. Cause exists to discipline respondent's license as a registered nurse pursuant to Business and Professions Code sections 2761(a) and 2762(a) in that respondent engaged in unprofessional conduct by self-administering a controlled substance, as set forth in Findings 2, 3, 4, and 5.

3. Respondent established sufficient evidence of rehabilitation to warrant allowing her to continue working as a registered nurse subject to terms and conditions of probation.

4. Cause exists to award costs to complainant in the amount of \$5,251.50 pursuant to Business and Professions Code section 125.3 in that this is a reasonable amount of costs that complainant incurred to investigate and prosecute this case, as set forth in Finding 6.

## ORDER

1. IT IS HEREBY ORDERED that Registered Nurse License Number 502042 issued to respondent Karen Rebecca Blomiley aka Karen R. Woll is revoked. However, the revocation is stayed and respondent is placed on probation for three years on the following conditions:

### SEVERABILITY CLAUSE --

Each condition of probation contained herein is a separate and distinct condition. If any condition of this Order, or any application thereof, is declared unenforceable in whole, in part, or to any extent, the remainder of this Order, and all other applications thereof, shall not be affected. Each condition of this Order shall separately be valid and enforceable to the fullest extent permitted by law.

(A) OBEY ALL LAWS - Respondent shall obey all federal, state and local laws. A full and detailed account of any and all violations of law shall be reported by the respondent to the Board in writing within seventy-two (72) hours of occurrence. To permit monitoring of compliance with this condition, respondent shall submit completed fingerprint forms and fingerprint fees within 45 days of the effective date of the decision, unless previously submitted as part of the licensure application process.

**CRIMINAL COURT ORDERS:** If respondent is under criminal court orders, including probation or parole, and the order is violated, this shall be deemed a violation

of these probation conditions, and may result in the filing of an accusation and/or petition to revoke probation.

(B) COMPLY WITH THE BOARD'S PROBATION PROGRAM - Respondent shall fully comply with the conditions of the Probation Program established by the Board and cooperate with representatives of the Board in its monitoring and investigation of the respondent's compliance with the Board's Probation Program. Respondent shall inform the Board in writing within no more than 15 days of any address change and shall at all times maintain an active, current license status with the Board, including during any period of suspension.

Upon successful completion of probation, respondent's license shall be fully restored.

(C) REPORT IN PERSON - Respondent, during the period of probation, shall appear in person at interviews/ meetings as directed by the Board or its designated representatives.

(D) RESIDENCY, PRACTICE, OR LICENSURE OUTSIDE OF STATE - Periods of residency or practice as a registered nurse outside of California shall not apply toward a reduction of this probation time period. Respondent's probation is tolled, if and when he or she resides outside of California. The respondent must provide written notice to the Board within 15 days of any change of residency or practice outside the state, and within 30 days prior to re-establishing residency or returning to practice in this state.

Respondent shall provide a list of all states and territories where he or she has ever been licensed as a registered nurse, vocational nurse, or practical nurse. Respondent shall further provide information regarding the status of each license and any changes in such license status during the term of probation. Respondent shall inform the Board if he/she applies for or obtains a new nursing license during the term of probation.

(E) SUBMIT WRITTEN REPORTS - Respondent, during the period of probation, shall submit or cause to be submitted such written reports/declarations and verification of actions under penalty of perjury, as required by the Board. These reports/declarations shall contain statements relative to respondent's compliance with all the conditions of the Board's Probation Program. Respondent shall immediately execute all release of information forms as may be required by the Board or its representatives.

Respondent shall provide a copy of this decision to the nursing regulatory agency in every state and territory in which he or she has a registered nurse license.

(F) FUNCTION AS A REGISTERED NURSE - Respondent, during the period of probation, shall engage in the practice of registered nursing in California for a minimum of 24 hours per week for 6 consecutive months or as determined by the Board.

For purposes of compliance with the section, "engage in the practice of registered nursing" may include, when approved by the Board, volunteer work as a registered nurse, or work in any non-direct patient care position that requires licensure as a registered nurse.

The Board may require that advanced practice nurses engage in advanced practice nursing for a minimum of 24 hours per week for 6 consecutive months or as determined by the Board.

If respondent has not complied with this condition during the probationary term, and the respondent has presented sufficient documentation of his or her good faith efforts to comply with this condition, and if no other conditions have been violated, the Board, in its discretion, may grant an extension of the respondent's probation period up to one year without further hearing in order to comply with this condition. During the one year extension, all original conditions of probation shall apply.

(G) EMPLOYMENT APPROVAL AND REPORTING REQUIREMENTS - Respondent shall obtain prior approval from the Board before commencing or continuing any employment, paid or voluntary, as a registered nurse. Respondent shall cause to be submitted to the Board all performance evaluations and other employment related reports as a registered nurse upon request of the Board.

Respondent shall provide a copy of this decision to his or her employer and immediate supervisors prior to commencement of any nursing or other health care related employment.

In addition to the above, respondent shall notify the Board in writing within seventy-two (72) hours after he or she obtains any nursing or other health care related employment. Respondent shall notify the Board in writing within seventy-two (72) hours after he or she is terminated or separated, regardless of cause, from any nursing, or other health care related employment with a full explanation of the circumstances surrounding the termination or separation.

(H) SUPERVISION - Respondent shall obtain prior approval from the Board regarding respondent's level of supervision and/or collaboration before commencing or continuing any employment as a registered nurse, or education and training that includes patient care.

Respondent shall practice only under the direct supervision of a registered nurse in good standing (no current discipline) with the Board of Registered Nursing, unless alternative methods of supervision and/or collaboration (e.g., with an advanced practice nurse or physician) are approved.

Respondent's level of supervision and/or collaboration may include, but is not limited to the following:

(a) Maximum - The individual providing supervision and/or collaboration is present in the patient care area or in any other work setting at all times.

(b) Moderate - The individual providing supervision and/or collaboration is in the patient care unit or in any other work setting at least half the hours respondent works.

(c) Minimum - The individual providing supervision and/or collaboration has person-to-person communication with respondent at least twice during each shift worked.

(d) Home Health Care - If respondent is approved to work in the home health care setting, the individual providing supervision and/or collaboration shall have person-to-person communication with respondent as required by the Board each work day. Respondent shall maintain telephone or other telecommunication contact with the individual providing supervision and/or collaboration as required by the Board during each work day. The individual providing supervision and/or collaboration shall conduct, as required by the Board, periodic, on-site visits to patients' homes visited by the respondent with or without respondent present.

(I) EMPLOYMENT LIMITATIONS - Respondent shall not work for a nurse's registry, in any private duty position as a registered nurse, a temporary nurse placement agency, a traveling nurse, or for an in-house nursing pool.

Respondent shall not work for a licensed home health agency as a visiting nurse unless the registered nursing supervision and other protections for home visits have been approved by the Board. Respondent shall not work in any other registered nursing occupation where home visits are required.

Respondent shall not work in any health care setting as a supervisor of registered nurses. The Board may additionally restrict respondent from supervising licensed vocational nurses and/or unlicensed assistive personnel on a case-by-case basis.

Respondent shall not work as a faculty member in an approved school of nursing or as an instructor in a Board approved continuing education program.

Respondent shall work only on a regularly assigned, identified and predetermined worksite(s) and shall not work in a float capacity.

If the respondent is working or intends to work in excess of 40 hours per week, the Board may request documentation to determine whether there should be restrictions on the hours of work.

(J) COMPLETE A NURSING COURSE(S) - Respondent, at his or her own expense, shall enroll and successfully complete a course(s) relevant to the practice of registered nursing no later than six months prior to the end of his or her probationary term.

Respondent shall obtain prior approval from the Board before enrolling in the course(s). Respondent shall submit to the Board the original transcripts or certificates of completion for the above required course(s). The Board shall return the original documents to respondent after photocopying them for its records.

(K) COST RECOVERY - Respondent shall pay to the Board costs associated with its investigation and enforcement pursuant to Business and Professions Code Section 125.3 in the amount of \$5,251.50. Respondent shall be permitted to pay these costs in a payment plan

approved by the Board, with payments to be completed no later than three months prior to the end of the probation term.

If respondent has not complied with this condition during the probationary term, and respondent has presented sufficient documentation of his or her good faith efforts to comply with this condition, and if no other conditions have been violated, the Board, in its discretion, may grant an extension of the respondent's probation period up to one year without further hearing in order to comply with this condition. During the one year extension, all original conditions of probation will apply.

(L) VIOLATION OF PROBATION - If a respondent violates the conditions of his/her probation, the Board after giving the respondent notice and an opportunity to be heard, may set aside the stay order and impose the stayed discipline (revocation/suspension) of the respondent's license.

If during the period of probation, an accusation or petition to revoke probation has been filed against respondent's license or the Attorney General's Office has been requested to prepare an accusation or petition to revoke probation against the respondent's license, the probationary period shall automatically be extended and shall not expire until the accusation or petition has been acted upon by the Board.

(M) LICENSE SURRENDER - During respondent's term of probation, if he or she ceases practicing due to retirement, health reasons or is otherwise unable to satisfy the conditions of probation, respondent may surrender his or her license to the Board. The Board reserves the right to evaluate respondent's request and to exercise its discretion whether to grant the request, or to take any other action deemed appropriate and reasonable under the circumstances, without further hearing. Upon formal acceptance of the tendered license and wall certificate, respondent will no longer be subject to the conditions of probation.

Surrender of respondent's license shall be considered a disciplinary action and shall become a part of respondent's license history with the Board. A registered nurse whose license has been surrendered may petition the Board for reinstatement no sooner than the following minimum periods from the effective date of the disciplinary decision:

- 1) Two years for reinstatement of a license that was surrendered for any reason other than a mental or physical illness; or
- 2) One year for a license surrendered for a mental or physical illness.

(N) PARTICIPATE IN TREATMENT/REHABILITATION PROGRAM FOR CHEMICAL DEPENDENCE - Respondent, at her expense, shall successfully complete during the probationary period or shall have successfully completed prior to commencement of probation a Board-approved treatment/rehabilitation program of at least six months duration. As required, reports shall be submitted by the program on forms provided by the Board. If respondent has not completed a Board-approved treatment/rehabilitation program prior to commencement of probation, respondent, within 45 days from the effective date of the decision, shall be enrolled

in a program. If a program is not successfully completed within the first nine months of probation, the Board shall consider respondent in violation of probation.

Based on Board recommendation, each week respondent shall be required to attend at least one, but no more than five 12-step recovery meetings or equivalent (e.g., Narcotics Anonymous, Alcoholics Anonymous, etc.) and a nurse support group as approved and directed by the Board. If a nurse support group is not available, an additional 12-step meeting or equivalent shall be added. Respondent shall submit dated and signed documentation confirming such attendance to the Board during the entire period of probation. Respondent shall continue with the recovery plan recommended by the treatment/rehabilitation program or a licensed mental health examiner and/or other ongoing recovery groups.

(O) ABSTAIN FROM USE OF PSYCHOTROPIC (MOOD-ALTERING) DRUGS -

Respondent shall completely abstain from the possession, injection or consumption by any route of all psychotropic (mood altering) drugs, including alcohol, except when the same are ordered by a health care professional legally authorized to do so as part of documented medical treatment. Respondent shall have sent to the Board, in writing and within fourteen (14) days, by the prescribing health professional, a report identifying the medication, dosage, the date the medication was prescribed, the respondent's prognosis, the date the medication will no longer be required, and the effect on the recovery plan, if appropriate.

Respondent shall identify for the Board a single physician, nurse practitioner or physician assistant who shall be aware of respondent's history of substance abuse and will coordinate and monitor any prescriptions for respondent for dangerous drugs, controlled substances or mood-altering drugs. The coordinating physician, nurse practitioner, or physician assistant shall report to the Board on a quarterly basis respondent's compliance with this condition. If any substances considered addictive have been prescribed, the report shall identify a program for the time limited use of any such substances.

The Board may require the single coordinating physician, nurse practitioner, or physician assistant to be a specialist in addictive medicine, or to consult with a specialist in addictive medicine.

(P) SUBMIT TO TESTS AND SAMPLES - Respondent, at his/her expense, shall participate in a random, biological fluid testing or a drug screening program which the Board approves. The length of time and frequency will be subject to approval by the Board. The respondent is responsible for keeping the Board informed of respondent's current telephone number at all times. Respondent shall also ensure that messages may be left at the telephone number when he/she is not available and ensure that reports are submitted directly by the testing agency to the Board, as directed. Any confirmed positive finding shall be reported immediately to the Board by the program and the respondent shall be considered in violation of probation.

In addition, respondent, at any time during the period of probation, shall fully cooperate with the Board or any of its representatives, and shall, when requested, submit to such tests and samples as the Board or its representatives may require for the detection of alcohol, narcotics, hypnotics, dangerous drugs, or other controlled substances.



If respondent has a positive drug screen for any substance not legally authorized and not reported to the coordinating physician, nurse practitioner, or physician assistant, and the Board files a petition to revoke probation or an accusation, the Board may suspend respondent from practice pending the final decision on the petition to revoke probation or the accusation. This period of suspension will not apply to the reduction of this probationary time period.

If respondent fails to participate in a random, biological fluid testing or drug screening program within the specified time frame, the respondent shall immediately cease practice and shall not resume practice until notified by the Board. After taking into account documented evidence of mitigation, if the Board files a petition to revoke probation or an accusation, the Board may suspend respondent from practice pending the final decision on the petition to revoke probation or the accusation. This period of suspension will not apply to the reduction of this probationary time period.

(Q) MENTAL HEALTH EXAMINATION - The respondent shall, within 45 days of the effective date of this decision, have a mental health examination including psychological testing as appropriate to determine her capability to perform the duties of a registered nurse. The examination will be performed by a psychiatrist, psychologist or other licensed mental health practitioner approved by the Board. The examining mental health practitioner will submit a written report of that assessment and recommendations to the Board. All costs are the responsibility of the respondent. Recommendations for treatment, therapy or counseling made as a result of the mental health examination will be instituted and followed by the respondent.

If respondent is determined to be unable to practice safely as a registered nurse, the licensed mental health care practitioner making this determination shall immediately notify the Board and respondent by telephone, and the Board shall request that the Attorney General's office prepare an accusation or petition to revoke probation. Respondent shall immediately cease practice and may not resume practice until notified by the Board. During this period of suspension, respondent shall not engage in any practice for which a license issued by the Board is required, until the Board has notified respondent that a mental health determination permits respondent to resume practice. This period of suspension will not apply to the reduction of this probationary time period.

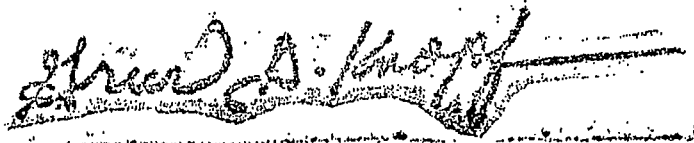
If the respondent fails to have the above assessment submitted to the Board within the 45-day requirement, respondent shall immediately cease practice and shall not resume practice until notified by the Board. This period of suspension will not apply to the reduction of this probationary time period. The Board may waive or postpone this suspension only if significant, documented evidence of mitigation is provided. Such evidence must establish good faith efforts by the respondent to obtain the assessment, and a specific date for compliance must be provided. Only one such waiver or extension may be permitted.

(R) THERAPY OR COUNSELING PROGRAM - Respondent, at her expense, shall participate in an on-going counseling program until such time as the Board releases her from this requirement and only upon the recommendation of the counselor. Written progress reports from the counselor will be required at various intervals.

2. Respondent shall pay complainant \$5,251.50 in costs for investigation and prosecution of this case, as directed by the Board. Respondent shall be permitted to pay these costs in a payment plan approved by the Board.

DATED: \_\_\_\_\_

2/24/04

A handwritten signature in dark ink, appearing to read "Greer D. Knopf", written over a horizontal line.

GREER D. KNOPF  
Administrative Law Judge  
Office of Administrative Hearings

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7  
8 Attorneys for Complainant

9  
10 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
**DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2003-284

13 **KAREN REBECCA BLOMILEY**  
aka KAREN R. WOLL  
14 569 Trenton Street  
El Cajon, California 92079

**ACCUSATION**

15 Registered Nurse License No. 502042

16  
17 Respondent.

18 Complainant alleges:

19 **PARTIES**

20 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) brings this Accusation  
21 solely in her official capacity as the Executive Officer of the Board of Registered Nursing,  
22 Department of Consumer Affairs.

23 2. On or about July 29, 1994, the Board of Registered Nursing ("Board")  
24 issued Registered Nurse License Number 502042 to Karen Rebecca Blomiley also known as  
25 Karen R. Woll ("Respondent"). The license was in full force and effect at all times relevant to  
26 the charges brought herein and will expire on April 30, 2004.

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1 Propoxyphene hydrochloride (a brand name for which is "Darvon") is a Schedule  
2 IV controlled substance as designated by Health and Safety Code section 11057(c)(2).

3 **CHARGES AND ALLEGATIONS**

4 **FIRST CAUSE FOR DISCIPLINE**

5 **(Unprofessional Conduct: Illegally Obtained and Possessed a Controlled Substance)**

6 8. Respondent is subject to disciplinary action under Code section 2761(a) on  
7 the grounds of unprofessional conduct as defined in section 2762(a) of that Code in that on or  
8 about January 22, 2002, while employed as a Registered Nurse at Victoria Special Care Center,  
9 El Cajon, California, Respondent did the following:

10 a. Obtained Vicodin, a controlled substance, by fraud, deceit, misrepresentation  
11 or subterfuge or by the concealment of a material fact in violation of Health and Safety Code  
12 section 11173(a) when, while on duty, after performing an audit on medication to be destroyed,  
13 Respondent took approximately 100 or more Vicodin from the medication room for her own  
14 personal use.

15 b. Possessed Vicodin, a controlled substance, in violation of Code section 4060,  
16 in that she did not have a prescription.

17 **SECOND CAUSE FOR DISCIPLINE**

18 **(Unprofessional Conduct: Illegally Possessed and Self-Administered**  
19 **Controlled Substances)**

20 9. Respondent is subject to disciplinary action under Code section 2761(a) on  
21 the grounds of unprofessional conduct as defined in section 2762(a) of that Code in that while  
22 employed as a Registered Nurse at Victoria Special Care Center, El Cajon, California,  
23 Respondent possessed and used controlled substances in violation of Code section 4060, in that  
24 she had no prescriptions for the drugs, and self-administered them without direction from a  
25 licensed physician and surgeon, dentist or podiatrist as follows:

26 a. On approximately February 6, 2002, Respondent tested positive for  
27 propoxyphene hydrochloride.

28 b. On approximately March 26, 2002, Respondent tested positive for cocaine.

- 1 c. On approximately March 29, 2002, Respondent tested positive for cocaine.  
2 d. On approximately April 5, 2002, Respondent tested positive for cocaine.  
3 e. On approximately May 3, 2002, Respondent tested positive for cocaine.

4 **FACTOR IN AGGRAVATION**

5 10. As a result of her theft of Vicodin, as outlined in the First Cause for  
6 Discipline above and incorporated herein by reference, Respondent's employer offered to keep  
7 Respondent on as an employee under certain terms and conditions including, among other things  
8 (and in addition to drug testing), that she seek counseling. Respondent's employer was even  
9 willing to pay for the counseling. Respondent although saying she would do, never did attend the  
10 counseling her employer offered.

11 **PRAYER**


12 WHEREFORE, Complainant requests that a hearing be held on the matters herein  
13 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

- 14 1. Revoking or suspending Registered Nurse License Number 502042, issued  
15 to Karen Rebecca Blomiley also known as Karen R. Woll;  
16 2. Ordering Karen Rebecca Blomiley to pay the Board of Registered Nursing  
17 the reasonable costs of the investigation and enforcement of this case, pursuant to Business and

18 Professions Code section 125.3;

- 19 3. Taking such other and further action as deemed necessary and proper.

20 DATED: 6/5/03

21   
22 RUTH ANN TERRY, M.P.H., R.N.  
23 Executive Officer  
24 Board of Registered Nursing  
25 Department of Consumer Affairs  
26 State of California  
27 Complainant  
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